

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

BRAD L. FRY,

Plaintiff,

vs.

**CAROLYN W. COLVIN,
Commissioner of Social Security,**

Defendant.

No. C13-2076

ORDER FOR ATTORNEY FEES

This matter comes before the Court on the Motion for Attorney Fees Pursuant to 42 U.S.C. § 406(b) (docket number 18) filed by the Plaintiff on December 17, 2015; and the Response (docket number 19) filed by the Defendant on December 29, 2015. Plaintiff's counsel asks that they be awarded attorney fees in the amount of \$12,597.72, pursuant to 42 U.S.C. section 406(b). Plaintiff's counsel acknowledges that if they are awarded section 406(b) fees, then they are required to refund the fees previously ordered under the Equal Access to Justice Act. In her response, the Defendant states that she "has no objection to an award under § 406(b) in the amount of \$12,597.7[2]." *See* Defendant's Response (docket number 19) at 3. Accordingly, the Court finds the request should be granted.

ORDER

IT IS THEREFORE ORDERED that the Motion for Attorney Fees (docket number 18) filed by the Plaintiff on December 17, 2015 is hereby **GRANTED**. Attorneys Timothy Semelroth and Thomas A. Krause shall be paid attorney fees in the amount of Twelve Thousand Five Hundred Ninety-Seven Dollars and seventy-two cents (\$12,597.72) pursuant to 42 U.S.C. section 406(b). Furthermore, Mr. Semelroth and Mr. Krause shall

refund to the Plaintiff the sum of Four Thousand Eighty Dollars and eighty cents (\$4,080.80), previously paid under the Equal Access to Justice Act.

DATED this 29th day of December, 2015.



JON STUART SCOLES
CHIEF MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA